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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MICHAEL BLAKE DeFRANCE,

Defendant.

**CR 21-29-M-DLC**

**DEFENDANT DeFRANCE'S  
NOTICE OF SUPPLEMENTAL  
AUTHORITY L.R. CR 47.4**

**NOTICE**

COMES NOW, Mr. DeFrance, by and through the undersigned counsel, and cites to the Court the decision styled as *United States v. LaDeau*, 734 F.3d 561 (6<sup>th</sup> Cir. 2013) (attached hereto). In preparing for tomorrow's hearing the undersigned came across the *LeDeau* decision which involves one of the questions presented in this case which is whether a pretrial matter can furnish the requisite contextual stake

for the prosecution to act vindictively. *LeDeau* clearly says that although more rare there is no categorical ban on a pretrial matter serving as the context for a successful prosecutorial vindictiveness claim. This supplemental authority relates to Mr. DeFrance's reply argument set forth at ECF No.74, pp. 13-15.

### **CONCLUSION**

WHEREFORE, Mr. DeFrance concludes his notice of supplemental authority pursuant to L.R. CR 47.4.

RESPECTFULLY SUBMITTED this 22<sup>nd</sup> day of February, 2022.

/s/ Michael Donahoe  
MICHAEL DONAHOE  
Assistant Federal Defender  
Counsel for Defendant

**CERTIFICATE OF SERVICE  
L.R. 5.2(b)**

I hereby certify that on February 22, 2022, a copy of the foregoing document was served on the following persons by the following means:

1 CM-ECF

2 Mail

1. CLERK, UNITED STATES DISTRICT COURT

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/s/ Michael Donahoe  
FEDERAL DEFENDERS OF MONTANA